



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

CHERYL SIMPSON,
Plaintiff,

vs.

CDM SMITH, INC.,
Defendant.

§
§
§
§
§
§
§

Civil Action No. 3:20-04090-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DENYING DEFENDANT’S MOTION FOR PARTIAL DISMISSAL**

Plaintiff Cheryl Simpson (Simpson) filed this civil action against CDM Smith, Inc. (CDM Smith), alleging violations of the anti-retaliation provision of the Family and Medical Leave Act (FMLA), 29 U.S.C. §§ 2601 *et seq.*, and the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. §§ 201 *et seq.*; disability discrimination and retaliation pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 *et seq.*; and race discrimination and retaliation pursuant to Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. §§ 2000e *et seq.*

This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending CDM Smith’s motion for partial dismissal of the complaint be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the

Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on February 23, 2021. To date, CDM Smith has failed to file any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court CDM Smith’s motion for partial dismissal of the complaint is **DENIED**.

IT IS SO ORDERED.

Signed this 7th day of April 2021, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE